

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on Plaintiff's unopposed motion to seal portions of documents submitted in connection with Plaintiff's Revised Motion to Partially Amend the Scheduling Order. Specifically, Plaintiff seeks to seal the filings on the ground they "contain sensitive business and technical information, including information concerning Syngenta's strategy on generic competition, and Syngenta's strategies on evaluating potential illegal azoxystrobin products and potential infringement of and enforcement of its intellectual property." (Mot. Seal [DE #459] at 1.) Where appropriate, Plaintiff has filed proposed redacted versions of the documents, omitting the portions it contends should not be available to the public.

For the reasons set forth in Plaintiff's motion and supporting memorandum, the court finds that the public's common law right of access is outweighed by Plaintiff's interests in protecting against competitive and/or financial harm were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of Plaintiff's request to seal and a reasonable opportunity to object have been

provided by the filing of its motion, and no objections have been filed with the court. Furthermore, Plaintiff has narrowly tailored its request to remove only information that is sensitive and confidential and not otherwise publicly known. Plaintiff's motion is therefore allowed.

CONCLUSION

For the foregoing reasons, Plaintiff's Motion to Seal [DE #459] is GRANTED and the following documents shall be SEALED:

1. Defendant's Response in Opposition to Syngenta's Revised Motion to Partially Amend the Scheduling Order [DE #449]. A redacted version is available at DE #460-3;
2. Declaration of Robert J. Scheffel [DE #450]. A redacted version is available at DE #460-4;
3. Exhibit 3 to the Declaration of Robert J. Scheffel [DE #450-4]. A redacted version is available at DE #460-5; and
4. Plaintiff's Reply in Support of its Revised Motion to Partially Amend the Scheduling Order [DE #457]. A redacted version is available at DE #460-6.

This 14th day of September 2022.



KIMBERLY A. SWANK
United States Magistrate Judge